

CHILDREN’S INTERNET PROTECTION ACT (CIPA)

Fact Sheet

WHEN CIPA GOES INTO EFFECT

For public libraries and consortia, the provisions of CIPA take effect with grants applications submitted for FY 2004/05 (the grant period is July 1, 2004 - June 30, 2005, in California).

RELATIONSHIP TO E-RATE

LSTA-recipient libraries that also receive Internet services at discount rates (not telecomm) under the E-Rate program must already certify compliance with CIPA under that program and simply have to confirm their E-Rate certification to the State Library on Form A.

IMPLEMENTATION BY THE APPLICANT LIBRARY

The rules depend upon what FCC and IMLS call “Program Years.” The sequence required by the law is:

- Program Year 1 (FY 2004/05 for public libraries) - LSTA recipient library must certify compliance with CIPA, or certify that it is “undertaking actions to put in place an Internet safety policy,” or certify that it is not using LSTA funds to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet.
- Program Year 2 (FY 2005/06) – If it did not comply with CIPA for a grant awarded in Year 1, in the next successive program year the recipient library must certify full compliance with CIPA. If it cannot so state, it is ineligible for LSTA. A waiver provision is available for a library that cannot certify in time due to procurement difficulties in Year 2 (see below).
- Program Year 3 (FY 2006/07) – Library if granted a waiver in 2005/06 must be in compliance by the start of Year 3 for the grant received in Year 2.

NOTE: LSTA and E-Rate differ in program year designation and in when technology protection measures may be disabled:

E-Rate	LSTA
Program Year 1 for compliance with CIPA is 2003/04.	Program year 1 for compliance with CIPA is 2004/05.
Technology protection measure may be disabled only for adults (age 17 and over).	Technology protection measure may be disabled for both adults and minors. However, libraries receiving E-rate discounts for Internet access must comply with the narrower E-rate provision.

WAIVER FOR PROCUREMENT DELAY

Libraries applying for 2004/05 LSTA funding to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet have the option of certifying that they are “undertaking actions” to achieve compliance with CIPA. This option will not be available in the following grant cycle. However, libraries applying for LSTA funds in 2005/06 who fall under the provisions of CIPA will be allowed to request a waiver if state or local procurement rules, regulations, or competitive bidding requirements prevent making the certification on time. Please contact the CIPA Coordinator for more information.

DISABLING A FILTER OR UNBLOCKING A PARTICULAR WEB SITE

A filter does not have to be kept “on” non-stop. Any authorized staff may disable a filter to allow unrestricted Internet access for any lawful purpose as spelled out in the CIPA and the Court decision. It is desirable that a library develop a policy and procedures to make unblocking technically easy and least burdensome to staff and patrons. The unblocking of individual computers may be difficult if the library uses a local or wide area network-based filter or a filtering service provided by an Internet Service Provider. Seeking the most flexibility, i.e., ability to unblock a given machine at a given session may be the best solution.

STAFF COMPUTERS

The language of the CIPA makes no distinction between computers used only by staff and those accessed by the public, whether minors or adults. If a library has some computers that fall under CIPA rules, then all computers with Internet access must be filtered. For example, administrative Internet-connected computers not accessible to the public must still have filters but the filter can be disabled temporarily.

OTHER QUESTIONS?

Please contact Rush Brandis, CIPA Coordinator at the State Library, (916) 653-5471, rbrandis@library.ca.gov.

FOR FURTHER INFORMATION

“FAQ on E-rate Compliance with the Children's Internet Protection Act and the Neighborhood Children's Internet Protection Act, February 19, 2004,” Wisconsin Dept. of Public Instruction, Div. for Libraries, Technology, and Community Learning. This site includes a list of supplemental resources at <http://www.dpi.state.wi.us/dltcl/pld/cipafaq.html>.

Sec. 9134(f), “Internet Safety” provisions – an excerpt from the U.S. Code may be found at: <http://www4.law.cornell.edu/uscode/20/9134.html>.

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